

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01438-TNM**

ELECTRONIC PRIVACY INFORMATION CENTER v. U.S.
CUSTOMS AND BORDER PROTECTION
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 07/19/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

represented by **Marc Rotenberg**
ELECTRONIC PRIVACY
INFORMATION CENTER
1718 Connecticut Avenue, NW
Suite 200
Washington, DC 20009
(202) 483-1140, ext 106
Fax: (202) 483-1248
Email: rotenberg@epic.org
ATTORNEY TO BE NOTICED

Jeramie D. Scott
ELECTRONIC PRIVACY
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V.

Defendant

**U.S. CUSTOMS AND BORDER
PROTECTION**

represented by **Daniel Patrick Schaefer**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 07/19/2017 | <u>1</u> | COMPLAINT against CUSTOMS AND BORDER PROTECTION (Filing fee \$ 400 receipt number 0090-5038895) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Attorney General, # <u>3</u> Summons Customs and Border Protection, # <u>4</u> Summons US Attorney)(Scott, Jeramie) (Entered: 07/19/2017) |
| 07/19/2017 | <u>2</u> | Corporate Disclosure Statement by ELECTRONIC PRIVACY INFORMATION CENTER. (Scott, Jeramie) (Entered: 07/19/2017) |
| 07/20/2017 | | Case Assigned to Judge Amit P. Mehta. (zsb) (Entered: 07/20/2017) |

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| 07/20/2017 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 07/20/2017) |
| 08/01/2017 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/31/2017. (Scott, Jeramie) (Entered: 08/01/2017) |
| 08/02/2017 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/31/2017. Answer due for ALL FEDERAL DEFENDANTS by 8/30/2017. (Scott, Jeramie) (Entered: 08/02/2017) |
| 08/02/2017 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS AND BORDER PROTECTION served on 7/28/2017 (Scott, Jeramie) (Entered: 08/02/2017) |
| 08/30/2017 | <u>7</u> | NOTICE of Appearance by Daniel Patrick Schaefer on behalf of U.S. CUSTOMS AND BORDER PROTECTION (Schaefer, Daniel) (Entered: 08/30/2017) |
| 08/30/2017 | <u>8</u> | Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. CUSTOMS AND BORDER PROTECTION (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 08/30/2017) |
| 08/31/2017 | | MINUTE ORDER granting Defendant's <u>8</u> Consent Motion for Extension of Time. On or before October 16, 2017, the parties shall file a Joint Status Report and proposed schedule for further proceedings. Defendant's responsive pleading is now due on or before October 27, 2017. Signed by Judge Amit P. Mehta on 08/31/2017. (lcapm1) (Entered: 08/31/2017) |
| 08/31/2017 | | Set/Reset Deadlines/Hearings: Joint Status Report due by 10/16/2017. Responsive pleading due by 10/27/2017. (zcdw) (Entered: 08/31/2017) |
| 10/16/2017 | <u>9</u> | Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 10/16/2017) |
| 10/20/2017 | <u>10</u> | STIPULATION of Dismissal of <i>certain claims</i> by ELECTRONIC PRIVACY INFORMATION CENTER. (Scott, Jeramie) (Entered: 10/20/2017) |
| 10/25/2017 | | MINUTE ORDER: In light of the parties' <u>9</u> Joint Status Report, the court enters the following schedule for further proceedings in this matter. Defendant shall complete processing of the documents in response to the Iris Recognition FOIA Request on or before December 8, 2017. On or before January 8, 2018, the parties shall file a Joint Status Report that sets forth a proposed schedule for further proceedings and, should the parties be unable to resolve this litigation, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 10/25/2017. (lcapm1) (Entered: 10/25/2017) |
| 10/25/2017 | | Set/Reset Deadlines/Hearings: Joint Status Report due by 1/8/2018. (cdw) (Entered: 10/26/2017) |
| 10/27/2017 | <u>11</u> | ANSWER to Complaint by U.S. CUSTOMS AND BORDER PROTECTION.(Schaefer, Daniel) (Entered: 10/27/2017) |
| 11/02/2017 | | Case directly reassigned to Judge Trevor N. McFadden. Judge Amit P. Mehta is no longer assigned to the case. (ztnr) (Entered: 11/02/2017) |
| 11/21/2017 | | MINUTE ORDER: In light of the recent assignment of this case to Judge McFadden, the parties are advised that the pre-existing schedule for this case remains in effect. The parties shall comply with all deadlines as previously ordered. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/21/2017. (lctnm3) (Entered: 11/21/2017) |
| 01/08/2018 | <u>12</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Scott, Jeramie) (Entered: 01/08/2018) |
| 01/09/2018 | | MINUTE ORDER. Pursuant to the parties' <u>12</u> Joint Status Report, the Defendant is directed to produce a draft <i>Vaughn</i> index to Plaintiff on or before February 7, 2018. The parties are further directed to file a Joint Status Report on or before February 14, 2018 setting forth a proposed schedule for subsequent proceedings, including a proposed briefing schedule. SO ORDERED. Signed by Judge Trevor N. McFadden on |

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| | | 1/9/2018. (lctnm3) (Entered: 01/09/2018) |
| 01/10/2018 | | Set/Reset Deadlines: Defendant's draft <i>Vaughn</i> Index due to Plaintiff by 2/7/2018. Joint Status Report due by 2/14/2018. (hmc) (Entered: 01/10/2018) |
| 02/14/2018 | <u>13</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Scott, Jeramie) (Entered: 02/14/2018) |
| 02/14/2018 | | MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, the parties are directed to file a further Joint Status Report on or before March 16, 2018 setting forth a proposed schedule for subsequent proceedings, including, if necessary, a proposed briefing schedule. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/14/2018. (lctnm3) (Entered: 02/14/2018) |
| 02/15/2018 | | Set/Reset Deadlines: A further Joint Status Report due by 3/16/2018. (hmc) (Entered: 02/15/2018) |
| 02/28/2018 | <u>14</u> | NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Entered: 02/28/2018) |
| 03/16/2018 | <u>15</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Scott, Jeramie) (Entered: 03/16/2018) |
| 03/19/2018 | | MINUTE ORDER. Upon consideration of the parties' <u>15</u> Joint Status Report, the parties are directed to file a further Joint Status Report on or before April 16, 2018 setting forth a proposed schedule for subsequent proceedings, including, if necessary, a proposed briefing schedule. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/19/2018. (lctnm3) (Entered: 03/19/2018) |
| 03/19/2018 | | Set/Reset Deadlines: A further Joint Status Report due by 4/16/2018. (hmc) (Entered: 03/19/2018) |
| 04/16/2018 | <u>16</u> | Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 04/16/2018) |
| 04/16/2018 | | MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall, before or on May 9, 2018, submit a further joint status report including a recommendation for further proceedings in this matter. Signed by Judge Trevor N. McFadden on 4/16/2018. (lctnm3) (Entered: 04/16/2018) |
| 04/17/2018 | | Set/Reset Deadlines: Joint Status Report due by 5/9/2018. (hmc) (Entered: 04/17/2018) |
| 04/23/2018 | <u>17</u> | STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Courtesy copies are excused for all filings predating the entry of this Standing Order. Signed by Judge Trevor N. McFadden on 4/20/2018. (lctnm3) (Entered: 04/23/2018) |
| 05/09/2018 | <u>18</u> | Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 05/09/2018) |
| 05/10/2018 | | MINUTE ORDER. Upon consideration of the parties' <u>18</u> Joint Status Report, it is hereby ORDERED that the parties shall, before or on June 25, 2018, submit a further joint status report on the progress of the parties' discussions, including the parties' views on the likelihood that this matter can be resolved without summary judgment briefing, and, if necessary, propose a briefing schedule. Signed by Judge Trevor N. McFadden on 5/10/2018. (lctnm3) (Entered: 05/10/2018) |
| 05/10/2018 | | Set/Reset Deadlines: A further Joint Status Report is due by 6/25/2018. (hmc) (Entered: 05/10/2018) |
| 06/25/2018 | <u>19</u> | Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 06/25/2018) |
| 06/26/2018 | | MINUTE ORDER. Upon consideration of the parties' <u>19</u> Joint Status Report, it is hereby ORDERED that the parties shall, before or on July 30, 2018, submit a further joint status report on the progress of the parties' discussions and the parties' views on the likelihood that this matter can be resolved without summary judgment briefing. If appropriate, the parties shall propose a briefing schedule. Signed by Judge Trevor N. |

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| | | McFadden on 6/25/2018. (lctnm3) (Entered: 06/26/2018) |
| 06/26/2018 | | Set/Reset Deadlines: A further Joint Status Report is due by 7/30/2018. (hmc) (Entered: 06/26/2018) |
| 07/30/2018 | <u>20</u> | Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 07/30/2018) |
| 07/31/2018 | | MINUTE ORDER: Upon consideration of the parties' <u>20</u> Joint Status Report, it is hereby ORDERED that the parties will file a further status update recommending the course of proceedings on or before October 12, 2018. Signed by Judge Trevor N. McFadden on 7/30/2018. (lctnm3) (Entered: 07/31/2018) |
| 07/31/2018 | | Set/Reset Deadlines: A further Joint Status Report is due by 10/12/2018. (hmc) (Entered: 07/31/2018) |
| 10/12/2018 | <u>21</u> | ENTERED IN ERROR.....Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel); Modified text on 10/18/2018 (tth). (Entered: 10/12/2018) |
| 10/15/2018 | <u>22</u> | Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 10/15/2018) |
| 10/16/2018 | | MINUTE ORDER: Upon consideration of the parties' <u>22</u> Joint Status Report, it is hereby ORDERED that a further update shall be filed on or before November 19, 2018. This update shall propose a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 10/16/2018. (lctnm3) (Entered: 10/16/2018) |
| 10/17/2018 | | Set/Reset Deadlines: Joint Status Report due by 11/19/2018. (hmc) (Entered: 10/17/2018) |
| 10/18/2018 | | NOTICE OF CORRECTED DOCKET ENTRY: re <u>21</u> Status Report was entered in error and refiled correctly as Docket Entry <u>22</u> . (tth) (Entered: 10/18/2018) |
| 11/19/2018 | <u>23</u> | Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 11/19/2018) |
| 11/20/2018 | | MINUTE ORDER: Upon consideration of the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that a further update shall be filed on or before December 19, 2018. This update shall propose a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 11/20/2018. (hmc) (Entered: 11/20/2018) |
| 12/19/2018 | <u>24</u> | Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION. (Schaefer, Daniel) (Entered: 12/19/2018) |
| 12/20/2018 | | MINUTE ORDER: Upon consideration of the parties' <u>24</u> Joint Status Report, it is hereby ORDERED that a further update shall be filed on or before January 24, 2019. This update shall propose a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 12/20/2018. (lctnm3) (Entered: 12/20/2018) |
| 12/20/2018 | | Set/Reset Deadlines: Joint Status Report due by 1/24/2019. (hmc) (Entered: 12/20/2018) |
| 01/24/2019 | <u>25</u> | Consent MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. CUSTOMS AND BORDER PROTECTION (Schaefer, Daniel) (Entered: 01/24/2019) |
| 01/24/2019 | | MINUTE ORDER: Upon considering the Defendant's <u>25</u> Motion to Stay, it is hereby ORDERED that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendant shall notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/24/2019. (lctnm3) (Entered: 01/24/2019) |